

Sage-grouse Habitat Conservation Advisory Council

NOTES

Meeting 4: Cumulative Impacts; Wildfire and Invasive Species
Location: Montana WILD, 2668 Broadwater Ave., Helena
Dates: July 16 – 17, 2013

July 16

Council representatives: Pat Connell, Janet Ellis, Gary Forrester, Jay Gore, Robert Lee, Glenn Marx, Ray Shaw, Brad Hamlett, Bill McChesney, Curtis Monteau, Carl Wambolt, Jeff Hagener, Tim Baker

Agency/invited partners:

USFWS: Jodi Bush, Brent Esmoil, Jeff Berglund;

Bureau of Land Management: Sandra Brooks, John Carlson, Eric Fransted, Floyd Thompson, David Wood

Natural Resources Conservation Service: Joyce Schwartzendruber, Tim Ouellette, Tim Griffiths

Department of Natural Resources and Conservation: Shawn Thomas, Monte Mason, Ted Mead;

Montana Fish, Wildlife and Parks: Ken McDonald, Rick Northrup, Catherine Wightman

Public: Laura Blake, Arch Coal; Patrick Farmer, Westech; Rusty Shaw, Denbury Resources; Eric Detmer, Spring Creek Coal, Bob Green, Cloud Peak Energy; Richard Brown, WYO-BEN, Inc.; Matt Dillon, American Colloid;

Announcements:

- Field tour scheduled for August 13-14 is canceled. Meeting will be held in Helena as scheduled, topic of discussion will be mitigation.
- Draft recommendations will be open for public comment; there will be public hearings on the recommendations in those parts of the state with sage-grouse; Final recommendations, after public comment, will go to Governor's Office

Review of draft documents from previous meeting

Jeff Hagener

Handout: draft recommendations table_8July

Requests to adjust definitions of subcategories under power lines and to footnote FWP "Straw dog" with references

Sage-grouse Initiative and landscape conservation

Tim Griffiths, NRCS

Joyce Schwartzendruber introduced Tim Griffiths, the national Sage-grouse Initiative coordinator for NRCS. Tim provided an overview of the initiative and chronicled successes to date.

Presentation: Griffiths_16July

Handouts: A Blueprint, overview; A Blueprint, bulletin; Copeland et al. 2013

Baseline Environmental Report

David Wood, BLM

David Wood, BLM Denver Office, discussed the BER and how it is influencing land management decisions.

Presentation: Wood_16July

Wyoming's 5% disturbance cap – rationale and policy

Bob Budd, Wyoming

Bob Budd discussed the rationale behind using a 5% surface disturbance cap in Wyoming and the process for implementing the cap.

- Used Dave Naugle's work indicating birds tend to avoid habitat if activity exceeds 1 activity/section. They then back-calculated what that translates to in terms of infrastructure, well pad, roads, etc. and it came out to ~30-32 acres which is ~5%;
- Recent assessment by Beck in Wyoming indicates there is little impact at 2-3% disturbance, fluctuations in impact at 5% disturbance, and clear impacts at 7% disturbance. So, WY feels 5% is appropriate, gives them some operating room

Discussion:

- The more similar our state plans are the better
- UT applied 5% only to new disturbance and USFWS pushed back on that
- Transitional habitat – areas being reclaimed (e.g., after fire) but not quite restored yet; treated differently
- Included connectivity areas in core area designation
- Improving habitat already occupied by grouse can be beneficial; trying to create habitat where there are not currently grouse is typically not successful (i.e., it is not as simple as "build it and they will come")
- WYGFD is facilitator in process. WYGFD is data checker, runs DDCT model but is not final regulatory body. Five full-time staff in WYGFD are employed for implementation. They have an implementation team that provides oversight. Meets monthly.

Regulatory Mechanism discussion

Ken McDonald, FWP

Ken provided a handout that showed surface and fluid mineral acres by ownership. He discussed WY's Industrial Siting Act and how Montana lacks the same regulatory authority. Asked Council to be thinking about regulatory implementation.

Handout: McDonald_16July

MOTION by G. Forrester to adopt the Wyoming Executive Order as template for Montana.

After considerable discussion, motion failed on 2 yes, 7 no, and 1 abstention vote.

Review of cumulative impacts research and assigned reading

Catherine Wightman, FWP

Catherine provided a brief overview of the assigned reading relative to cumulative impacts.

Presentation: Wightman_16July

Handout: Summary of COT and other state recommendations
Habitat definitions – draft

GIS tools and example surface disturbance calculation

Adam Messer, FWP

Adam Messer provided examples of GIS tools available and conceptual examples of what a surface disturbance calculation might look like

Presentation: Messer_16July

- Some discussion ensued regarding how closely the conceptual example parallels WY's DDCT tool
- Adam will follow up with WYGFD for more information and examples on implementing a surface disturbance limit using their tool. Additional information will be provided at a future meeting.

PUBLIC COMMENT

Dave Galt – MPA Director; annual meeting last week; MPA believes recommendations should align themselves as close as possible to WY; UT plan rejected for several reasons, we don't want to go through all this trouble and get rejected; interested in how core areas were put together in WY; hard to understand why Cedar Creek Anticline is core area; talking about putting property off-limits also talking about property rights; a lot of MT core areas have been explored, some leased, can get assessment of where activity will be in next 18 mo based on ...; need some confidentiality if industry is going to put plans on table; statutory authority to issue permit and agencies have authority to determine stipulations on permits; want to take another look at how pipeline regs are currently crafted and how they did that in WY;

Gary Wiens – Montana Electric Co-operative Associations; Co-op managers going to meet with Bob Budd in August to talk about what will work for them; please don't take any action until they have an opportunity to discuss;

Melissa Lewis – OneOK; recently completed Bakken pipeline, issue in WY when pipeline came near an unoccupied lek, pipeline delayed because of this; Information on that may help, will return with more information

Glenn Oppel - Montana Chamber of Commerce – asked by one of our members to go on record voicing support for using WY model as template

Rusty Shaw – Denbury Resources; Montana's Governor's Ex Order – ag concerns are there; Ex Order will give MT the regulatory mechanism to manage on private lands; e.g., in WY to get storm water permit you have to run DDCT model; if it is on state lands, state stipulations will apply, etc.; Jodi Bush mentioned funding in Ex Order – need some funding but part of project should be funding, mitigation could be science project, other things you could do for mitigation; OCT 1 coming fast...

Bob Green – Cloud Peak Energy; what Adam presented was considerably different than DDCT; contact Mary Flanderka to show DDCT examples – impacts of different methods;

Richard Brown – WYO-BEN, Inc.; NSO etc. would shut them down

Draft surface disturbance recommendations or other alternatives

Considerable discussion regarding a surface disturbance cap, well pad restrictions, and no surface occupancy.

MOTION by McChesney - use WY model for 5% surface disturbance using DDCT methodology that covers all lands in core areas, start with 2005 data that we have at this point;

Forrester – seconded

Motion passed unanimously.

Action Items:

Work with WGFD to better understand and explain DDCT process. (Adam Messer)

Complete a more comprehensive legal review on regulatory authority. (Tim Baker)

Meeting adjourned at 4:45

July 17

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DNRC Forestry Department

Ted Mead

Ted Mead provided an overview of wildfire trends in Montana and DNRC wildlife response in coordination with Counties, BLM, others.

Presentation: Mead_17July

USFS Wildfire Response

USFS was unable to attend. USFS IM guidance regarding wildfire and fuels management in sage-grouse habitat will be put on Council website.

BLM Wildfire Response and Invasive Sp. Mgmt.

Sandy Brooks, Eric Fransted, Floyd Thompson

Sandy Brooks introduced the BLM presentation. Eric Fransted discussed BLM wildfire and fuels management program. Floyd Thompson discussed BLM's invasive species management.

Presentation: BLM_wildlife and invasive_17July

Handout: IMT sage-grouse tips.pdf

- Some discussion ensued about the NTT report and how it is being used by BLM and other agencies. BLM is analyzing recommendations from the NTT report in their Resource Management Plan revisions/amendments but the NTT report is not necessarily their preferred alternative.
- Tim Baker indicated that at a recent Western Governors Association meeting Dan Ashe said agencies should focus on the COT report and not on the NTT report when developing conservation strategies for sage-grouse. The COT report is how USFWS is going to evaluate the listing decision.

Invasive species in Montana

Montana Natural Heritage Program was unable to attend. They did indicate a willingness to assist the Council with data or mapping needs, pending funding.

Handout: Montana Noxious Weed List

PUBLIC COMMENT

Pat Farmer – WESTECH; June 2013, range management article

Richard Brown – WYO-BEN, Inc.; bentonite mining has significant issue with cheatgrass; control not single season issue; areas where they are trying to do adjacent off-site mitigation; relative lack of control of cheatgrass coming from other agencies making their jobs difficult; if agencies are helping it makes

mitigation by industry ineffective; wildfire areas do make opportunity for industry to go in and do restoration work; required to reclaim to equal or better situation, try to eliminate invasive species

Draft recommendations for wildfire and invasive species

Draft recommendations posted on website.

Other Business

Gary Forrester – brought forth new language regarding Cedar Creek Anticline for Council consideration. Language is posted on Council website.

Bob Green – CCA draft example; will be available on Council website

Assignment: Review Chapter 12 and read chapter 24

Adjourned at 2:55